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Docket: 21-CRB-0001-PR (2023-2027)
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# Before the UNITED STATES COPYRIGHT ROYALTY JUDGES LIBRARY OF CONGRESS Washington, D.C.

In the Matter of:

DETERMINATION OF ROYALTY RATES AND TERMS FOR MAKING AND DISTRIBUTING PHONORECORDS (PHONORECORDS IV) Docket No. 21-CRB-0001-PR (2023-2027)

## NOTICE OF ERRATA IN SPOTIFY USA INC.'S WRITTEN DIRECT SUBMISSION

Spotify USA Inc. ("Spotify") hereby notifies the Copyright Royalty Judges of the following errata contained in Volume I and Volume II of its Written Direct Statement, filed on October 13, 2021 in the above-captioned proceeding, and respectfully submits the following corrections to be made: <sup>1</sup>

#### I. Volume I

• <u>Introductory Memorandum</u>

On page 9, should be corrected to

#### II. Volume II

Written Direct Testimony of Benjamin Kung

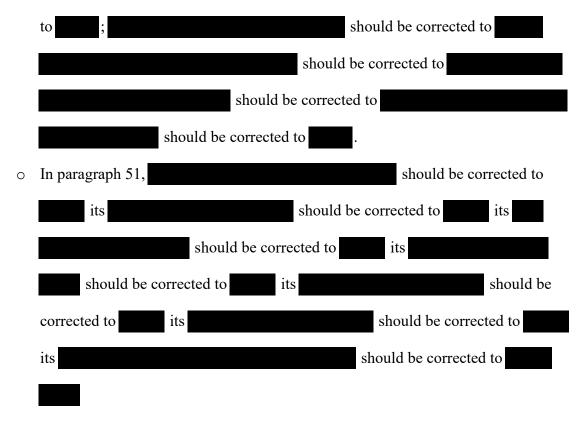
<sup>&</sup>lt;sup>1</sup> Spotify, in conjunction with this Notice, will file corrected restricted and public versions of Volume I and Volume II of its Written Direct Statement.

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Written Direct Testimony of Pilar Tschollar					
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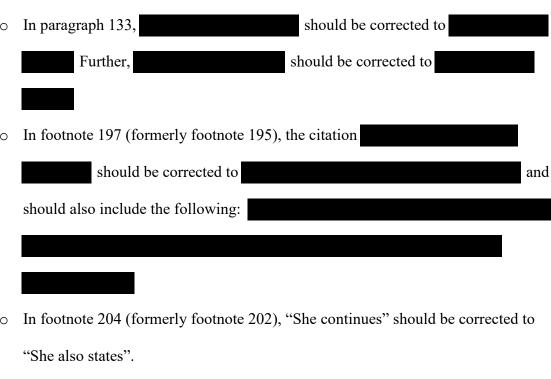
#### • Written Direct Testimony of Joseph Farrell, D.Phil

- On the cover page, Docket No. 21-CRB-0001-PR (2023–2028) should be corrected to Docket No. 21-CRB-0001-PR (2023–2027).
- In paragraph 13, should be corrected to In paragraph 13, should be corrected to "ranging from to ".
- In paragraph 13, a footnote should be added after the first sentence with a citation to "Corrected Written Direct Testimony of Benjamin Kung, *Phonoreocrds IV*, Oct. 22, 2021, ¶ 44."
- In paragraph 13, "Phonorecords II rate structure that lead to distortionary effects" should be corrected to "Phonorecords II rate structure that leads to distortionary effects".

- In paragraph 13, a footnote should be added after the third sentence with a citation to "Spotify Proposed and Terms (October 13, 2021), *Phonorecords IV*, 21-CRB-0001-PR (2023-2027)."
- In footnote 27 (formerly footnote 25), "compulsory public performance licenses for sound recording rights" should be corrected to "compulsory licenses for sound recording rights."
- In footnote 27 (formerly footnote 25), "According to Section 114 of the Copyright
  Act" should be corrected to "For example, according to Section 114 of the
  Copyright Act".
- o In footnote 30 (formerly footnote 28), "¶¶ 25–26" should be corrected to "¶¶ 25–26".
- o In footnote 44 (formerly footnote 42), "See infra n. 51 and 59" should be corrected to "See infra n. 53 and 61".
- o In footnote 45 (formerly footnote 43), the citation to "See also infra n. 39 and 43 for more information on the royalty splits across publishers and songwriters" should be removed.
- o In footnote 47 (formerly footnote 45), the citation to "See infra (38)–(43)" should be corrected to "See infra (39)–(43)".
- o In paragraph 38, (MMA) should be corrected to ("MMA").
- o In footnote 94 (formerly footnote 92), the citation to "Written Direct Testimony of Michael Katz, *Webcasting IV* proceeding, Oct. 7, 2014, ₱ 17" should be corrected to "Written Direct Testimony of Michael Katz, *Webcasting IV* proceeding, Oct. 7, 2014, ¶ 17".

- In footnote 94 (formerly footnote 92), the citation to "Corrected Written Direct Testimony of Robert Willig, *Webcasting V* proceeding, Dec. 11, 2019,  $\P$  6" should be corrected "Corrected Written Direct Testimony of Robert Willig, *Webcasting V* proceeding, Dec. 11, 2019,  $\P$  6".
- o In paragraph 60, (MFN) should be corrected to ("MFN").
- should be corrected to should be corrected to Further the source list in Figure 8 should also list the following: [4]
- In paragraph 111, "Using RIAA and Spotify data" should be corrected to "Using RIAA data".
- In footnote 177 (formerly footnote 175), "See supra n. 88" should be corrected to "See supra n. 90."
- o In footnote 195 (formerly footnote 193),
  should be corrected to
- In the title of Figure 9, the title should include "[RESTRICTED]". The figures in
   Figure 9 should be corrected to reflect the following:





- o In footnote 210 (formerly footnote 208), the citation to "See supra V.A.1" should be corrected to "See supra n. 207."
- o In paragraph 191, ( and , as should the citation to the
- o In paragraph 193, should be corrected to
- o In the title of Figure 18, the title should include "[RESTRICTED]".
- All references or citations to the "Written Direct Testimony of Benjamin Kung,
   *Phonorecords IV* proceeding, Oct. 13, 2021" should be corrected to "Corrected
   Written Direct Testimony of Benjamin Kung, *Phonorecords IV* proceeding, Oct.
   22, 2021" (with appropriate pin cites).
- All references or citations to "Written Direct Testimony of Pilar Tschollar,
   Phonorecords IV, Oct. 13, 2021" should be corrected to "Corrected Written Direct

Testimony of Pilar Tschollar, *Phonorecords IV*, Oct. 29, 2021" (with appropriate pin cites).

DATED: October 29, 2021 Respectfully submitted,

By: /s/ Joseph R. Wetzel
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Counsel for Spotify USA Inc.

### **Proof of Delivery**

I hereby certify that on Friday, October 29, 2021, I provided a true and correct copy of the Notice of Errata in Spotify USA Inc.'s Written Direct Statement [Public Version] to the following:

Apple Inc., represented by Mary C Mazzello, served via ESERVICE at mary.mazzello@kirkland.com

Powell, David, represented by David Powell, served via ESERVICE at davidpowell008@yahoo.com

Google LLC, represented by Gary R Greenstein, served via ESERVICE at ggreenstein@wsgr.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via ESERVICE at benjamin.marks@weil.com

Zisk, Brian, represented by Brian Zisk, served via ESERVICE at brianzisk@gmail.com

Johnson, George, represented by George D Johnson, served via ESERVICE at george@georgejohnson.com

Amazon.com Services LLC, represented by Joshua D Branson, served via ESERVICE at jbranson@kellogghansen.com

Joint Record Company Participants, represented by Susan Chertkof, served via ESERVICE at susan.chertkof@riaa.com

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Signed: /s/ Joseph Wetzel